

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
JANUARY 10, 2018**

CALL TO ORDER
6:00 pm

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at South Campus Building, 40 11th Street W, Ste. 200, Kalispell, Montana. Board members present were Dean Sirucek, Greg Stevens, Sandra Nogal, Jeff Larsen, Ron Schlegel, Kevin Lake, and James Thompson. Mike Horn arrived at approximately 6:18 pm. Donna Valade, Rachel Ezell, Kari Nielsen, and Mark Mussman represented the Flathead County Planning & Zoning Office.

There were 18 members of the public in attendance.

**RECOGNITION
OF PREVIOUS
BOARD
MEMBERS**
6:00 PM

Larsen took a moment to recognize Jim Heim for his years of service to the Flathead County Planning Board. Heim was also presented a plaque as a thank you.

**APPROVAL OF
MEETING
MINUTES**
6:03 pm

Lake made a motion, seconded by Sirucek, to approve the November 11, 2017 meeting minutes with the correction mentioned by Sirucek.

Motion passed unanimously by a roll call vote.

**ELECTION OF
OFFICERS**
6:04

Stevens made a motion, seconded by Lake, to elect Jeff Larsen as board chairman.

Motioned passed unanimously by a roll call vote.

Schlegel made a motion, seconded by Sirucek, to elect Greg Stevens as vice chair.

Motioned passed unanimously by a roll call vote.

**PUBLIC
COMMENT**
*(Public matters that
are within the
jurisdiction of the
Board 2-3-103
M.C.A)*
6:05 pm

None

**ZONE CHANGE
1347 HWY 2 E
(FZC-17-11)
6:06 PM**

A zone change request by Marquardt Surveying on behalf of Monte Klindt in the Evergreen Zoning District. The proposal would change the zoning on a parcel containing approximately 2.1 acres from B-2-EEO (General Business, Evergreen Enterprise Overlay) and R-2 (One-Family Limited Residential) to RA-1 (Residential Apartment). The subject property is located north of 1347 Highway 2 East.

**STAFF REPORT
6:07 pm**

Kari Nielsen reviewed staff report FZC-17-11 for the board.

**BOARD
QUESTIONS
6:08 pm**

Larsen questioned what the allowable density was. Nielsen reported the specifications that were in the staff report and said that with a conditional use permit they would be allowed to have a 50 unit apartment complex.

Sirucek asked that the hookup to the sewer be addressed. Nielsen said it would be something addressed during the development of the property. She said there was mention of a design that would keep the wetland intact and use it for storm water. They would not be able to put a development on the wetland and still hook up to Evergreen sewer and water.

**APPLICANT
PRESENTATION
6:09 pm**

Kevin Nelson, of Marquardt Surveying, represented the applicant. He said that they were in general agreement with the staff report. They recognized the wetlands were an obstacle that would need to be navigated through. The applicant was not the developer but wanted the zone change for any future development. Upon learning about the agreement that Evergreen sewer and water had with the government, they put a sketch together to show that it was possible to build around and not intrude on the wetlands.

**BOARD
QUESTIONS
6:10 pm**

None

**PUBLIC
COMMENT
6:10 pm**

None

**AGENCY
COMMENTS
6:11 pm**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FACT)
6:11 pm**

Nogal made a motion, seconded by Schlegel, to adopt staff FZC-17-11 as findings of fact.

BOARD DISCUSSION <i>6:12 pm</i>	Stevens noted that he felt like it was important to help facilitate opportunity for affordable housing that had access to public services, access to public transportation services, and the school systems.
ROLL CALL TO ADOPT F.O.F. (FACT) <i>6:12 pm</i>	Motion was passed unanimously on a roll call vote.
MAIN MOTION TO RECOMMEND APPROVAL <i>6:13 pm</i>	Schlegel made a motion, seconded by Lake, to recommended approval of FZC-17-11 to the Board of County Commissioners.
BOARD DISCUSSION <i>6:13 pm</i>	None
ROLL CALL TO RECOMMEND APPROVAL (FZC-17-11) <i>6:13 pm</i>	On a roll call vote the motion passed on a seven to one vote. Sirucek dissented.
TRUMBLE CREEK ACRES SUBDIVISION (FPP-17-10) <i>6:14 PM</i>	A request from TD&H Engineering, on behalf of Tyler Apgar & Tonia Gardner for preliminary plat approval of Trumble Creek Acres, a proposal to create 31 residential lots on 40.36 acres. Each lot would be served by individual wells and wastewater treatment systems. The property is located on Trumble Creek Road in an unzoned area and can legally be described as Tracts 4E and 4EG in the South Half of the Northwest Quarter of Section 16, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.
STAFF REPORT <i>6:14 pm</i>	Donna Valade reviewed staff report FPP-17-10 for the board.
BOARD QUESTIONS <i>6:16 pm</i>	Sirucek questioned the data from the staff report regarding the agricultural production of 1 bushel per acre. Valade said she would double check with the EA and the applicant before sending the packet to commissioners.
APPLICANT PRESENTATION <i>6:17 pm</i>	<u>Doug Peppmeier</u> , with TD&H Engineering, represented the applicant for the presentation. He reviewed the plans for the development and also pointed out the applicants would also be neighbors to the development. He said that a representative from Applied Water was present for questioning.

**BOARD
QUESTIONS**
6:18 pm

Larsen asked why they had a multi user draining field on the proposal. Peppmeier said that upon doing ground water monitoring they discovered there was high ground water. They worked with DEQ to find a solution, which was to put some of the draining fields on a multi system. The other lots would have individual draining systems. They wanted to do it on every lot but the water level was too high. They monitored 10 lots during the peak season.

Thompson wanted to know if it was typical for recreation lots to have wells. Peppmeier said that there would be a pump house and well heads but it would not take up a lot of room. He also mentioned that the HOA would be maintaining the lot. Thompson wondered if the applicant had any idea what they wanted to do with that lot. Peppmeier said that, at this time, they did not.

Sirucek wondered which lot was to be used for surface drainage. Peppmeier pointed to the lower area on the map and identified it as being the natural drainage area that went towards the river. Sirucek noted that it did not match up with the public comment provided just prior to the meeting. The board requested that the Peppmeier look at the comment and address the issue after the break.

Larsen questioned if the lot that was designated for storm water was also the same area that was going to have the wells on it. Peppmeier said it had been corrected and approved by DEQ.

**AGENCY
COMMENTS**
6:22 pm

Ian McCann, with Flathead Municipal Airport Authority, wanted to address some of the comments that they had provided for review. Glacier International Airport was considered a non-hub commercial service airport and was part of the national plan of integrated airports, therefore eligible for federal funding. The funding allowed them to extend the runways, the terminal, and things of that nature. There were strings attached, one of them being that they would work with government agencies to insure the continuity of the airport. He included in his comments some of the things that airports look for in approaching incompatible land use, which residential fell under that category. The plat in question was located 7000' off the extended center line of runway 2, which was the longest runway and most typically used. The first comment was regarding that the neighborhood would be subject to frequent and continuous flights overhead at very low altitudes. This site was not located within the 65 DNL Contour which is set by the FAA for day and night noise regulations. They did not oppose a plat approval but had a few other things that they had to look in to. He elaborated further.

They had looked in to wildlife hazard attractants, such as surface water or shallow side slopes and/or food that would attract water fowl or other types of

migratory wildlife, especially if it would affect an approach path of an aircraft.

The developer or any future developer would be required to submit a 7460-1 notice to ensure that they would have obstacle clearance. If the clearance and safety were to be compromised, the FAA would come down on the airport. They were not concerned with this particular plat violating those restrictions due to how far away it was but they did want to take note of the overflight traffic. He noted that as the valley grew, they were going to be facing the issue more and more. There wanted to be proactive and protect the continuity of the airport.

Schlegel wondered what the height requirement for that particular area would be. He answered that it was about 70'. Schlegel wondered why the airport wouldn't just purchase the surrounding area if they were concerned. He answered that they had been actively pursuing a first line of defense but because this property was not within the 65 DNL Contour, the FAA would not help with that due to distance. They were pursuing parcels that were much closer to the airport, however, the properties affected by the airport extends upwards of 10,000'. He said they do what they can. They had requested, in this case, there be a plat note [to advise owners of the impacts and restrictions]. Schlegel asked if the airport would buy property without the FAA's assistance. He said that they would but at this time they had "bigger fish to fry" (referring to properties that were much closer to the airport).

**BREAK TO
REVIEW PUBLIC
COMMENTS
6:30 PM**

**PUBLIC
COMMENT
6:40 pm**

Judy Lieder, 253 Mustang Way, wanted to address the increase of traffic. She referenced the report that stated the development would not increase traffic. She said that the road was getting busy as it was and currently served 4 major subdivisions, 9 businesses, and several individual homes. By her count, there were at least 120 homes that used that road (not including Glacier Ranch Subdivision). Most of the houses in the Glacier Ranch Subdivision were built in 2016-2017. The historical traffic data table in the Environmental Assessment only went up to 2012. By her calculations, the proposed subdivision would add 62 cars to the already busy road. Her other concern was that when the new section of Rose Crossing was completed, people would use that to avoid Reserve, adding even more traffic to the road. She also questioned the comment made by the applicant representative that the owners were going to be living next to the subdivision but she pointed out that the house was for sale and wasn't sure if that statement was true or not. She

**APPLICANT
REBUTTAL/
COMMENTS**
6:44 pm

knew that the proposal would probably be approved but she asked that the board consider lowering the number of lots so that the traffic would not be as affected.

Peppmeier got up to address some of the comments made. He felt like the ponding water was a very valid concern and addressed it. They did a full topographic survey and there was a low point that showed the water as ponding. He pointed out the drainage issue on the map and said that in general the property drains towards the Whitefish River. There was significant flooding in a certain area. He said that they would probably just alleviate the issue. They were going to have drainage swells that went to the pond. The pond won't be a wet pond; instead it will hold water during a rain event and then release it at a pre-developed rate. He believed that when the project was completed, it will alleviate the flooding issue. They did complete ground water monitoring and coordinated that with DEQ.

The concern of traffic came up several times. He said they were below the threshold that required them to submit a traffic impact study but had done so anyways.

He understood the concern of density and the potential loss of view but he said he had been hired to do a job and did so by the guidelines that were set in front of him. He tried to match the lot sizes consistent to developments in that area.

He addressed the concern of wildlife interaction and said that the deer were still going to cross because it was a natural pathway to the river. It was a common thing to be seen in that area. They were not going to build a physical barrier.

Peppmeier pointed out that the requirements had been met and the water would not be degraded by the septic systems. There was an Applied Water Consultant present to answer any questions. They had run the nondegradation analysis and met the state requirements.

He said that the applicants were well aware of the airport restrictions and the request to put a notification on the plat. He did not believe that any migratory birds would be an issue because the pond was not designed to hold water for long periods of time.

Stevens wanted clarification on the ponding and draining issue that had been brought to their attention and wondered if there was a culvert or something could be done to direct the water. Peppmeier said they had not run through the final design. Stevens was concerned for future home owners and wondered if there was going to be a no build zone in that lot or if they were going to rely on a drainage system to take the water away. Peppmeier said that there was going to have to be some positive drainage provided with grating.

Sirucek wondered if there were going to be any restrictions put on building a home on the lots that had shallow ground water and/or if the information was going to be shared with the purchaser. His concern was for those who might want to build a basement. Peppmeier said that they had done that in the past and could do it again. He pointed out the lots that could not have a septic system because the ground water was too high. Sirucek felt like it would be the responsibility of the developer to share that information with future home owners. Peppmeier said he did a full geotechnical report which outlined that issue, including the ground monitoring report.

Larsen questioned the traffic report from 2012 data which was used in the report and wondered if that would be addressed. Peppmeier said that he did not do it but could get that answer from the traffic engineer. He reiterated that they did not trigger the requirement for the traffic impact study to be done but they went ahead and did it anyways. He said he could find out if there was updated information available.

**STAFF
REBUTTAL/
COMMENTS**
6:58 pm

Valade said that the 2012 data used was the soonest data available on Trumble Creek.

**MAIN MOTION
TO ADOPT F.O.F.
(FACT)**
6:58 pm

Sirucek made a motion, seconded by Nogal, to adopt staff report FPP-17-10 as findings of fact.

**BOARD
DISCUSSION**
6:58 pm

Sirucek requested to have Valade follow up on the data provided for the price per bushel. She said she would do that.

**ROLL CALL TO
ADOPT F.O.F.
(FACT)**
6:59 pm

Motion was passed on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL**
6:59 pm

Stevens made a motion, seconded by Schlegel, to recommended approval for FPP-17-10 to the Board of County Commissioners.

**BOARD
DISCUSSION**
7:00 pm

Nogal was concerned about the high density in a rural development.

Stevens mentioned that he made the motion for approval but addressed some

of the public comments presented. He referenced the DEQ reports and hoped it would bring some of the neighbors some reassurance. He spoke about farm zoning and did not want to “sentence” someone to a life as a farmer with no other option for a land that they had purchased. He understood that people wanted to keep farmland, and that he himself liked farmland, but things had changed. He also spoke about farmland and tax purposes vs. residential home and tax purposes and pointed out that the taxes would be going to schools, the county, the road department, the jail, and other things that would benefit from a higher tax base. He noted that the problem with the county was the undersupply and cost of housing. He was in favor of the proposal.

Schlegel said that he understood the concern about the ground water. He said he wanted to add a condition that would make the affected lots and the future home owners aware and that it needed to be grated to a certain elevation. Larsen said that there could be a note on the map during the final plat and asked that the staff come up with the appropriate wording for that. Schlegel pointed out that, as a board, they had rules and regulations to uphold the constitution of Montana and Flathead County. He understood that a subdivision was not ideal but pointed out that there could have been other things to go in that would have been a lot worse.

Larsen recalled some of the first subdivisions that the Planning Board had addressed in the past and compared them to this one. He explained why smaller lots [i.e. an acre] were easier to keep up and looked nicer than larger lots [i.e. 5 acres]. He felt like there were a lot of the valid concerns that had been answered and noted that the board had a set of standards and it looked like those standards had been met. Larsen agreed with Schlegel that basements were a possible concern and questioned if building a basement would be a good idea for that area. He wondered if a condition should be put in place saying that the lots in the subdivision could be subject to seasonal high ground water. Residential development needed to take that in to consideration. A note on the plat would be the only way that you could make people aware. They discussed with the staff appropriate wording for a condition. They felt they would be doing their due diligence to put a note on the plat to make property owners aware of potential high water.

Schlegel did not feel like the issue had really been addressed. They discussed his concern further. Peppmeier felt like the best way to address is a note on the plat. They had done that in the past. He thought that, by putting a note on the plat, it would trigger the home owners to do their own geotech. He reminded the board that they were looking at the property as-is, not how it was going to be after grating was done. They would have to show that it is positive drainage which meant they were going to have to bring some fill in. He felt that putting a note on the plat was a valid point and should be done.

Larsen asked that the staff come up with the appropriate wording for the

condition to be added. Valade read a proposed condition to be added.

**MOTION TO ADD
CONDITION #11**
7:24 pm

Larsen motioned to add G on condition #11 to say, "Lots within the subdivision are subject high seasonal ground water. Residential structures shall be built accordingly." Sirucek seconded the motion

**BOARD
DISCUSSION**
7:25 pm

None

**ROLL CALL TO
ADD CONDITION
G to #11.**
7:25 pm

On a roll call vote the motion passed unanimously.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-17-10)**
7:25 pm

On a roll call vote the motion passed 6 to 1. Nogal dissented.

BREAK TAKEN
7:26 PM

**LOST HILLS
SUBDIVISION
(FPP-17-05)**
7:33 PM

A request from Bruce Tutvedt with technical assistance from Marquardt Surveying for preliminary plat approval of Lost Hills Subdivision, a proposal to create 6 lots intended for residential use on 38.11 acres. Each lot would be served by on-site wells and septic systems. The property is located along Farm to Market Road and can legally be described as Tract 3 in NW4SW4 of Section 16, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.

STAFF REPORT
7:33 pm

Rachel Ezell reviewed staff report FPP-17-05 for the board.

Horn recused himself from this portion of the meeting.

**BOARD
QUESTIONS**
7:38 pm

None

**APPLICANT
PRESENTATION**
7:38 pm

Kevin Nelson, with Marquardt Surveying, represented the applicant Bruce Tutvedt. He said that they were in agreement with the staff report. He addressed the lot design which had been based the topography and the soil type. Towards the end of the review, they changed lot 5 to meet the county standard. He pointed out a ridge that went through some of the lots and noted they tried to design the lots to best accommodate it. They had to keep in mind

safe access when designing the lots.

**BOARD
QUESTIONS**

None

7:39 pm

**AGENCY
COMMENTS**

None

7:40 pm

**PUBLIC
COMMENT**

None

7:40 pm

**MAIN MOTION
TO ADOPT F.O.F.
(FACT)**

Sirucek made a motion, seconded by Schlegel, to adopt staff FPP-17-05 as findings of fact.

7:40 pm

**BOARD
DISCUSSION**

None

7:40 pm

**ROLL CALL TO
ADOPT F.O.F.
(FACT)**

Motion was passed on a roll call vote.

7:40 pm

**MAIN MOTION
TO
RECOMMEND
APPROVAL**

Lake made a motion, seconded by Nogal, to recommended approval to the Board of County Commissioners for FPP-17-05.

7:41 pm

**BOARD
DISCUSSION**

Stevens commented on the way the plan had to be designed due to the West Valley Plan.

7:41 pm

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-17-10)**

On a roll call vote the motion passed unanimously.

7:42 pm

OLD BUSINESS

None

7:43 pm

NEW BUSINESS None
7:43 pm

ADJOURMENT The meeting was adjourned on a motion by Sirucek and Stevens at
7:43 pm approximately 7:43 pm. The next meeting will be held February 14, 2018.



Jeff Larsen, Chairman



Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 62 / 15 /17